(4) C.S. 1002

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

Writ Petition No. 3622/04

PETITIONER : DWARIKA PRASAD CHOUDHARY,
S/o. Shri Puni Ram Choudhary,
Upper Division Teacher,
Posted at Govt. Higher Secondary
School, Kotami, Block Dabhara,
District Janjgeer-Champa (C.G.)

P.R. No. 3625/04
Presented by Shri Shamal Pandey
dated 30-9-04

Versus

RESPONDENTS : (1) State of Chhattisgarh,
Through Secretary,
School Education Department,
Mantralaya, D.K.Bhawan,
Raipur, Chhattisgarh.

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30/9/04
Clerk to A.G. Bilaspur

(2) Director,
School Education Department,
Pension Bada, Raipur, C.G.

(3) District Education Officer,
Janjgeer-Champa (Chhattisgarh).

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3622 OF 2004

Petitioner : Dwarika Prasad Choudhary

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Sachin Singh Rajput, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

The petitioner, while working as Upper Division Teacher in Government Higher Secondary School, Kotami, Block Dabhara, District Janjgir-Champa has been transferred to Government Higher Secondary School, Lorami, District Bilaspur, vide order dated 16-9-2004 (P-1).

2. No stay order was granted by this Court in this matter. The transfer order dated 16-9-2004 (P-1) must have been executed by the respondents.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to

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pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal